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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,703	09/12/2003	Yoshihide Hamaguchi	Q77468	7688
23373	7590	01/11/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/660,703	HAMAGUCHI ET AL.	
	Examiner	Art Unit	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 and 7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakano et al [6,334,087].

Nakano et al discloses a system, method, and computer program for providing map information from a server to movable terminals. According to Nakano et al, there is provided a terminal device (movable terminal, figure 1), a communication unit (e.g., 8, 18) configured to transmit information to an information center and to receive information from the information center (e.g., figures 1 and 2, column 10), a map storing unit configured to store map information received by the communication unit (e.g., 6), and a control information storing unit configured to store control information associated with the map information and received by the communication unit (e.g., 4, column 10).

Nakano et al also discloses a measuring unit for measuring and determining the current position of a vehicle (e.g., 1, column 9). Nakano et al also discloses information of update dates on which the map information was updated in the information center. Also, as described in column 3, Nakano et al discloses the map updating unit updates the map information on a map update unit basis, the map update unit including at least one of

minimum unit map group capable of being updated. Nakano et al discloses controlling the communication unit to transmit the control information stored in the control information storing unit to the information center on prescribed times so as to receive latest control information transmitted from the information center. As shown in figure 1, Nakano et al discloses, among other features, a processing portion (4), a map information storage portion (6) and communication portion (8). The processing portion, according to Nakano et al, controls the communication portion as to when to receive latest control information transmitted from the information center. See figures 4, 9; column 3, lines 4-30, 38-45, column 7, 10, 11 and 15. In addition, Nakano et al discloses a map updating unit (figures 3 and 11) configured to update the map information stored in the map storing unit, wherein the map updating unit refers to the control information stored in the control information storing unit to determine information included in the map information to be updated (columns 15, 22). See also columns 3, 7, 8, 9, 13-14.

Response to Amendments & Arguments

3. The amendments along with the arguments filed therewith on October 27, 2005 have been entered and carefully considered by the examiner.

Claims 1-5 and 7 have been amended and claim 6 has been canceled.

Applicant argued that the applied references do not teach “a communication control unit configured to control the communication unit to transmit the control information stored in the control information storing unit to the information center on prescribed times so as to

receive latest control information transmitted from the information center.” Emphasis added. Claims 5 and 7 receive similar limitations.

The examiner agrees with Applicant with respect to the Hirano et al [6879909] patent, but respectfully disagrees with regard to the Nakano et al [6334087] patent.

Additionally, Arakawa [US 2004/0054462] and Kato [6453233] disclose such limitations. Other relevant references also cited below.

Contrary to Applicant’s argument, Nakano et al ‘087 discloses controlling the communication unit to transmit the control information stored in the control information storing unit to the information center on prescribed times so as to receive latest control information transmitted from the information center. As shown in figure 1, Nakano et al discloses, among other features, a processing portion (4), a map information storage portion (6) and communication portion (8). The processing portion, according to Nakano et al, controls the communication portion as to when to receive latest control information transmitted from the information center. See figures 4, 9; column 3, lines 4-30, 38-45, column 7, 10, 11 and 15.

Arakawa discloses a communication terminal unit, connection control method and program for the method. According to Arakawa, there is provided a communication unit (e.g., 12), a map storing unit (e.g., 23), a control information storing unit (e.g., 15) and control unit (e.g., 13), and a map updating unit (e.g., 13, 17). See figure 1, paragraphs [0014], [0030], [0032]. According further to Arakawa, the communication control unit is configured to control the communication unit to transmit the control information stored in the control information storing unit to the information center on prescribed times so as to

receive latest control information transmitted from the information center. See paragraphs [0009], [0033], [0043], [0047], [0048].

In light of the above, the claims remain rejected and this office action is made final as necessitated by the amendments.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,728,633	Mikuriya et al	Apr. 2004
6,738,711	Ohmura et al	May 2004
US 2004/0199398	Kubota	Oct. 2004

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

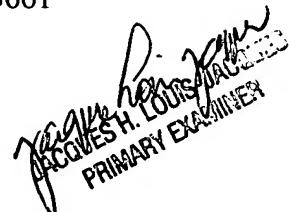
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is 571-272-6962. The examiner can normally be reached on M-Th 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj



JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER